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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,066

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Anthony Renfrew White

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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT

PAPER NUMBER

3618

NOTIFICATION DATE

DELIVERY MODE

05/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No. 10/586,066	Applicant(s) WHITE, ANTHONY RENFREW	
	Examiner JOHN D. WALTERS	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060714</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1 - 20 have been examined.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following components must be shown or the feature(s) canceled from the claim(s).

- a flexible linkage configured as an endless linkage.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the photographs comprising figures 1 - 12 are dark and overly shaded. This does not adequately allow details of Applicant's invention to be discerned. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 - 20 are objected to because of the following informalities: claim 1 includes the word "(Original)" in the middle of the first line. It appears that this is a mistake. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 6, 8 - 12, 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurn (3,055,523) in view of Hamilton, Jr. (2,653,679). Wurn discloses an extension hand truck comprising:

- a hand truck for transporting a load (Fig. 1);
- a sub-frame with a foot portion (Figs. 1 and 2, item 1);
- a main frame engaged with said sub frame (Figs. 1 and 2 , item 2);
- said sub-frame being capable of being extended and retracted with respect to a lower end of said main frame (Fig. 5);
- at least one wheel secured to said main frame (Figs. 1 and 2, item 16);
- a flexible linkage connecting said main frame and said sub frame with a power source (Fig. 1, item 30);

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- one end of said flexible linkage being secured to said main frame and another end of said linkage being secured to said sub-frame (Fig. 1);
- said sub-frame including a pair of side rails and at least one cross member (Fig. 1, items 1 and 4);
- said sub-frame including an extension which is selectively extendable (Fig. 5);
- said main frame including a pair of side rails and at least one cross member (Fig 1, items 2 and 41);
- a handle (Fig. 1, item 57);
- said sub-frame being telescopically received by said main frame (Figs. 5 and 6).

Wurn does not disclose the use of a motor for providing power to said hand truck.

Hamilton, however, discloses an automatic leveling mechanism for a hoisting truck comprising:

- an electric motor (Fig. 11, item 13);
- a controller, including a switch, coupled to said motor for enable control by a user (column 7, lines 34 - 46);
- a gear box driven by said motor (Fig. 1, item 9);
- a flexible linkage being a roller chain (Fig. 1, item 8);
- said flexible member being trained around a rotatable member, i.e. sprocket, driven by said motor and trained around another rotatable member secured relative to said sub-frame (Fig. 2, items 7 and 9);

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- safety switches operable to control said motor to prevent extension or retraction of a sub-frame (column 4, lines 15 - 46).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the hand truck of Wurn with the drive mechanism of Hamilton in order to provide a user with a manual control of a load support (Hamilton column 2, lines 28 - 30).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurn in view of Hamilton as applied to claims 1 - 6, 8 - 12, 14, 16 and 18 above, and further in view of Wetzel. Wurn in view of Hamilton does not disclose the use of wheel brakes. Wetzel, however, discloses a breakable hand truck comprising:

- selectively engagable wheel brakes (Fig. 2, item 38).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the hand truck of Wurn in view of Hamilton with the brake system of Wetzel in order to provide an ample braking force (Wetzel column 3, lines 11 - 13) which would provide a user with increased vehicle control.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurn in view of Hamilton as applied to claims 1 - 6, 8 - 12, 14, 16 and 18 above, and further in view of Walker(3,896,904). Wurn in view of Hamilton does not disclose the use of an endless chain drive system. Walker, however, discloses a hand truck with an elevator comprising:

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- a flexible linkage being configured as an endless linkage (Fig. 6, item 44);
- said flexible member being trained around a rotatable member, i.e. sprocket, driven by said motor and trained around another rotatable member secured relative to said sub-frame (Fig. 6, items 42 and 45).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the hand truck of Wurn in view of Hamilton with the brake system of Walker in order to provide a improved elevating mechanism in a simple, reliable and effective manner (Walker column 1, lines 31 - 39).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurn in view of Hamilton as applied to claims 1 - 6, 8 - 12, 14, 16 and 18 above, and further in view of Tolly (6,457,727). Wurn in view of Hamilton does not disclose the use of a slack reduction mechanism. Tolly, however, discloses a hand truck comprising:

- a spring capable of taking up slack in a flexible linkage (Figs. 1, 5 and 6, item 116).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the hand truck of Wurn in view of Hamilton with the spring of Tolly in order to provide a help prevent a load platform from transitioning too quickly and dangerously when a load is imposed or removed (Tolly column 1, lines 46 - 49).

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Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurn in view of Hamilton as applied to claims 1 - 6, 8 - 12, 14, 16 and 18 above, and further in view of Simons (7,002083). Wurn in view of Hamilton does not disclose the use of a weight sensor. Simons, however, discloses hand truck comprising:

- a weight sensor (Fig. 4, item 25).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the hand truck of Wurn in view of Hamilton with the weight sensor of Simons in order to provide a user with weight information regarding cargo being moved/transported by said hand truck (Simons column 1, lines 48 - 50).

Allowable Subject Matter

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: in the Examiner's opinion, the prior art of record, either alone or in combination, neither disclose nor suggest a safety switch operable by a weight sensor which prevents a sub-frame from being extended from or retracted into a main frame when a load weight is excessive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

John D. Walters
Examiner
Art Unit 3618

/J. D. W./
Examiner, Art Unit 3618

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